

UNITED STATES DISTRICT COURT  
for theCLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED

Western District of Virginia

MAR 24 2008

United States of America )  
v. )  
Sherman Stewart )  
Date of Previous Judgment: October 31, 2005 )  
(Use Date of Last Amended Judgment if Applicable) )

JOHN F. CORCORAN, CLERK  
BY: *H. McDonald*  
DEPUTY CLERKCase No: 4:04CR00012-001  
USM No: 11271-084  
Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 70.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level:	<u>24</u>	Amended Offense Level:	<u>22</u>
Criminal History Category:	<u>IV</u>	Criminal History Category:	<u>IV</u>
Previous Guideline Range:	<u>77</u> to <u>96</u> months	Amended Guideline Range:	<u>63</u> to <u>78</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

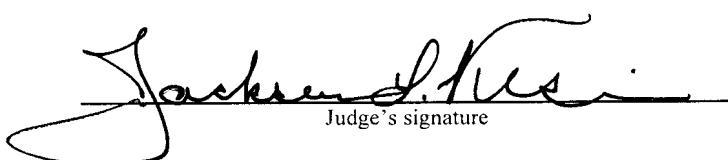
- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated Oct. 31, 2005 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 3-24-08



Jackson L. Kiser  
Judge's signature

Effective Date: March 3, 2008 4-3-08  
(if different from order date)

Senior United States District Judge Jackson L. Kiser

Printed name and title